

P 4/15/98

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE



In re: ) P. & S. Docket No. D-97-0007  
)  
Michael K. Michael, Sr. d/b/a )  
South Hill Livestock, )  
)  
Respondent ) Consent Decision

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.) by a Complaint filed by the Acting Deputy Administrator, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that respondent has willfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondent admits the jurisdictional allegations in paragraph I of the Complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

(1) Michael K. Michael, Sr., doing business as South Hill Livestock, hereinafter referred to as respondent, is an individual whose business mailing address is Route 1, Box 27, Baskerville, Virginia 23915.

(2) Respondent is, and at all times material herein was:

(a) Engaged in the business of a dealer, buying and selling livestock in commerce for his own account or for the account of others; and

(b) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock.

### Conclusions

Respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

### Order


Respondent Michael K. Michael, Sr., his agents, employees, successors and assigns, individually or through any corporate or other device, in connection with his operations subject to the Act, shall cease and desist from:

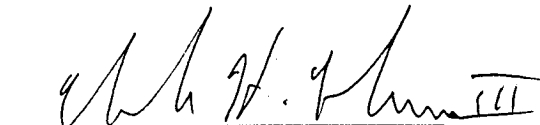
1. Misrepresenting to purchasers of livestock the actual purchase weights of the livestock;
2. Preparing and issuing, or causing to be prepared and issued, in connection with the purchase or sale of livestock, accounts of purchase, invoices, billings, scale tickets, or any other documents showing false, inaccurate or misleading weight entries for such livestock; and
3. Collecting payment from the purchasers of livestock on the basis of the false, inaccurate or misleading accounts of purchase, invoices or billings.

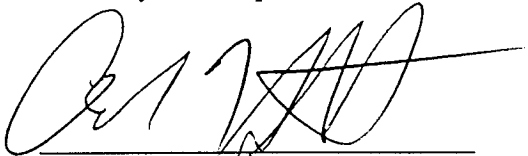
Pursuant to section 312(b) of the Act (7 U.S.C. § 213(b)), respondent is assessed a civil penalty in the amount of Five Thousand Dollars (\$5,000.00).

The provisions of this order shall become effective on the first day after service of this order on respondent.

Copies of this decision shall be served upon the parties.

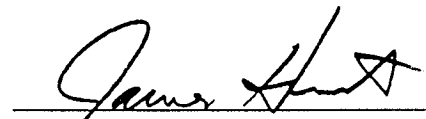
  
MICHAEL K. MICHAEL, SR.  
D/B/A SOUTH HILL LIVESTOCK  
Respondent

  
CHARLES H. CROWDER, III  
Attorney for Respondent

  
ANDREW Y. STANTON  
Attorney for Complainant

Issued this 15<sup>th</sup> day of

April, 1998.

  
Administrative Law Judge